

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEREK ANDREW, INC.,)
Plaintiff,) Case No. C05-1136-JPD
v.)
POOF APPAREL CORPORATION,) MINUTE ORDER
Defendant.)

The following minute order is made at the direction of the Court, the Honorable James P. Donohue, United States Magistrate Judge:

The present matter comes before the Court on plaintiff's Motions in Limine (Dkt. No. 51), defendant's Combined Motions in Limine (Dkt. No. 52), plaintiff's Motion for Default Judgment (Dkt. No. 62), and plaintiff's Amended Motion for Default Judgment (Dkt. No. 70). Trial by jury having been waived by the parties (Dkt. No. 69), and this case to be presented to the bench commencing December 4, 2006, the Court ORDERS as follows:

(1) Plaintiff's Motions in Limine (Dkt. No. 51) are DENIED without prejudice at this time, subject to plaintiff's renewal of these objections at trial. The Court will rule on any evidentiary objections at such time the evidence in question is proffered at trial.

25 (2) Defendant's Combined Motions in Limine (Dkt. No. 52) are DENIED without
26 prejudice at this time, subject to defendant's renewal of these objections at trial. To the extent

01 that defendant's motion is directed to the applicability of statutory damages after the date of
02 copyright registration, the Court will rule on this matter at the close of evidence presented at
03 trial. To the extent defendant's motions involve evidentiary issues, the Court will rule on any
04 objections at such time the evidence in question is proffered at trial. Finally, because both
05 parties have agreed to waive a jury trial in this case, defendant's "Motion to Bar Reference of
06 this Matter to a Jury" is deemed moot.

07 (3) Plaintiff's Motion for Default Judgment (Dkt. No. 62) and Amended Motion
08 for Default Judgment (Dkt. No. 70) are DENIED without prejudice. A bench trial in this
09 matter will commence on December 4, 2006, at 9:00 a.m. in Courtroom 12A. The plaintiff is
10 free to reassert any argument made in its motion for default judgment at that time.

11 DATED this 27th day of November, 2006.

12 Bruce Rifkin
13 Clerk of the Court

14 /s/ Becky Harris
15 Becky Harris
16 Deputy Clerk

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